

## MORRISON TENENBAUM

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August 18, 2023

**VIA ECF AND EMAIL**

Honorable Katherine Polk Failla  
United States District Court, Southern District of New York  
40 Centre Street  
New York, NY 10007

**MEMO ENDORSED**

**Re: Bent v. Harley Plumbing & Heating Inc., Index No. 22-cv-8339 (KPF)**

Dear Judge Failla:

We are counsel for the defendant Harley Plumbing & Heating Inc. (“Defendant”) in the above captioned matter. We write pursuant to Part 2(D) of Your Honor’s Individual Practices in Civil Cases to request (i) a change of the time of the pre-motion conference currently scheduled for August 24, 2023 at 11:00 a.m., and (ii) an extension of the deadline to complete fact discovery, currently September 14, 2023. Plaintiff’s attorney consents to the request to change the time of the pre-motion conference, and joins in the request for an extension of discovery.

The reason for the request to change the time of the pre-motion conference is that I have a previously scheduled conference in another matter at 10:30 a.m. on August 24, and do not want to risk being late for the pre-motion conference is that conference is not completed by 11:00 a.m. I respectfully request that the time of the pre-motion conference either be changed to another time on August 24 that is not between 10:00 a.m. and 11:00 a.m., or alternatively to another date that is convenient for the Court. This is the first request to adjourn the conference, and a grant of the request will not affect any other dates.

The parties also jointly request an extension of the deadline to complete fact discovery, from September 14, 2023 to October 30, 2023. This is the first request for an extension of time to complete fact discovery. The parties are making the request because additional time is needed to schedule depositions, given counsel’s and the parties’ respective schedules. The requested extension will not affect any other case deadlines, as October 30, 2023 is the deadline for completion of expert discovery, and the parties have conferred and agree that there will not be any expert discovery in this action.

We thank the Court for its consideration of this request.

Respectfully submitted,

/s/ Joshua S. Androphy  
Joshua S. Androphy, Esq.

All counsel (VIA ECF)

Application GRANTED in part. The pre-motion conference currently scheduled for August 24, 2023, at 11:00 a.m. is hereby ADJOURNED to that same date at 3:00 p.m.

The Court will discuss the discovery extension request at the conference.

The Clerk of Court is directed to terminate the pending motion at docket number 19.

Dated: August 18, 2023  
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE